

TUESDAY, JUNE 19, 2001

A regular meeting of the Council of the City of Burbank was held at the Fire Training Center, 1845 North Ontario Street, on the above date. The meeting was called to order at 5:02 p.m. by Mr. Kramer, Mayor.

CLOSED SESSION

Present- - - - Council Members Laurell, Murphy, Ramos (arrived at 5:03 p.m.) and Kramer.  
Absent - - - - Council Member Golonski.  
Also Present - Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; and, Mrs. Elliot, Municipal Records Clerk.

Oral Communications There was no response to the Mayor's invitation for oral communications on Closed Session matters at this time.

5:04 P.M. Recess The Council recessed at this time to the Fire Training Center Conference Room to hold a Closed Session on the following:

- a. Conference with Legal Counsel – Existing Litigation:  
Pursuant to Govt. Code §54956.9(a)  
**Name of Case:** In the matter of the application of Burbank-Glendale-Pasadena Airport Authority – Administrative (Variance) Hearing conducted by Cal Trans.  
**Case No.:** OAH No. L-9701269  
**Brief description and nature of case:** Administrative review of Airport noise variance standards.
- b. Conference with Legal Counsel – Anticipated Litigation (City as possible plaintiff):  
Pursuant to Govt. Code §54956.9(c)  
**Number of potential case(s):** 1
- c. Conference with Legal Counsel – Anticipated Litigation (City as potential defendant):  
Pursuant to Govt. Code §54956.9(b)(1)  
**Number of potential case(s):** 2

Regular Meeting Reconvened in Fire Training Center The regular meeting of the Council of the City of Burbank was reconvened at 6:34 p.m. by Mr. Kramer, Mayor.

Invocation The invocation was given by Doris Palmer, Elder, Little White Chapel.

Flag Salute The pledge of allegiance to the flag was led by Ms. Alvord, Assistant City Manager.

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ROLL CALL

Present- - - -

Council Members Golonski, Laurell, Murphy, Ramos and Kramer.

Absent - - - -

Council Members None.

Also Present -

Mr. Ovrom, City Manager; Mr. Barlow, City Attorney; Ms. Alvord, Assistant City Manager; and, Mrs. Sarquiz, City Clerk.

6:40 P.M.  
Hearing  
1105  
1102  
Jt. Public Hrg.  
w/Redev.  
Agency  
2000 Amend. to  
the Redev. Plan  
for the West  
Olive Project  
Area

Mayor Kramer stated that "this is the time and place for the joint public hearing of the Redevelopment Agency and the Council of the City of Burbank regarding the 2000 Amendment to the Redevelopment Plan for the West Olive Redevelopment Project Area. The various components of this project that require Council and Agency consideration are: a Negative Declaration by the Agency; an Agency resolution approving Rules Governing Participation and Reentry Preferences for Property Owners and Business Occupants, the Method of Relocation and the 2000 Amendment to the Redevelopment Plan for the West Olive Redevelopment Project Area; and Council adoption of an Ordinance approving the Redevelopment Plan Amendment."

Notice  
Given

The City Clerk was asked if notices had been given as required by law. She replied in the affirmative and advised that a letter objecting to the Plan Amendment was received from Ted McConkey. (It was determined that Mr. McConkey is not an affected property owner.)

Staff  
Report

Mrs. Georgino, Community Development Director/Assistant Executive Director, reported on the request for the City Council and Redevelopment Agency to consider an amendment to the West Olive Project Area Redevelopment Plan, originally approved in 1976, that would clarify the cap on the amount of tax increment revenue. She noted that the Plan describes the goals and governs the activities of the Agency within the Project Area and also identifies tax increment revenue as the primary source of revenue for financing the Agency's activities within the area.

She explained that property tax revenue is typically divided between various local taxing entities including the local county, city and school district. When a redevelopment project area is formed, she said a "base year" is established which freezes the level of property tax revenue that will continue to flow to those governmental agencies. She said that any incremental increase in property tax revenue due to an increase in assessed value within a project area (above the

base year value) is allocated to the Redevelopment Agency to fund the Agency's activities. She then noted that the original revenues frozen at the base year will continue to flow to other local taxing entities.

Mrs. Georgino discussed that in 1976, the West Olive Project Area formation was challenged by the County of Los Angeles and Los Angeles Community College District. She said the opposition of the County and College District resulted in a stipulated judgement between these entities and the Redevelopment Agency. She noted that the judgement placed certain limits on the Redevelopment Plan and also included the requirement that the Agency make pass through payments of tax increment revenue to the County and College District.

Pursuant to California Community Redevelopment Law (CRL), she said all redevelopment plans adopted prior to 1994 are required to include a cap on the amount of tax increment revenue a redevelopment agency may collect. She said the West Olive tax increment cap is \$60 million.

Mrs. Georgino explained that staff received direction from the Redevelopment Agency to negotiate with the County toward a clarification of the \$60 million tax increment cap. However, rather than continuing to negotiate clarification of the cap, she said the County Counsel favored a full redevelopment plan amendment as the best method of clearing up the issue. Pursuant to that desire by the County, she noted that the Redevelopment Agency on January 11, 2000, directed staff to begin processing an amendment to the West Olive Project Area to clarify the calculation of the cap on the amount of tax increment the Agency may receive.

She then discussed that the proposed Plan Amendment would enable the Agency to fund major public improvements to correct infrastructure deficiencies and allow the Agency to continue to collect tax increment equal to the original \$60 million cap. She noted that the funds are proposed to be used for the following infrastructure improvements: street improvements, freeway improvements, intersection improvements, street widening/capacity enhancements, computerized traffic signal control systems, electrical distribution system improvements, landscape/streetscape improvements, sewer improvements and water improvements. She noted that the Plan Amendment was the only way for these necessary infrastructure improvements (evidence of blight) to be funded.

Mrs. Georgino then said that the proposed Plan Amendment includes the following key documents for Agency and City Council approval: Amended and Restated Plan, Relocation Rules, Owner Participation Rules, Report to City Council and Negative Environmental Declaration.

Next, she explained the process of amending a redevelopment plan as established in the California CRL. As a first step in the process, she said the Planning Board on February 28, 2000, adopted a resolution formulating and approving the Preliminary Plan for the proposed 2000 Amendment to the West Olive Redevelopment Plan. Then on March 7, 2000, she said the Agency approved the Preliminary Plan and authorized staff to make the transmittals to affected taxing entities as required pursuant to CRL Section 33327.

Subsequently, on August 8, 2000, she said the Agency adopted a resolution receiving the draft Amendment, draft Preliminary Report, draft Owner Participation and Business Reentry Preference Rules, and approval of a draft Method of Relocation for the proposed Amendment. She noted that these documents were transmitted to all affected taxing agencies on August 24, 2000. Then, following a review of the documents, on November 21, 2000, she said the County adopted a resolution authorizing the Amendment.

Subsequently, on November 27, 2000, she said the Planning Board adopted separate resolutions finding that the Amendment is in conformance with the City's General Plan, but recommended against the approval of the Amendment. On December 12, 2000, she said the City Council and Redevelopment Agency adopted resolutions consenting to and setting the time and date for a required joint public hearing. She also said that staff held a public information meeting on January 10, 2001, to provide a forum for interested citizens to learn more about the Amendment and provide input.

Mrs. Georgino then said that on January 23, 2001, the City Council directed staff to resubmit the proposed Amended and Restated Redevelopment Plan to the Planning Board for their reconsideration. On February 12, 2001, she said the Planning Board reconsidered and reaffirmed their earlier recommendation against the Amendment. As a result of the Planning Board action, she noted that the City Council must approve the Plan Amendment by a two-thirds margin in order for the Amendment to take effect.

Mr. Hanway, Financial Services Director, discussed the financial impact to the City if the Plan Amendment is not approved. He said the Amendment will allow the City to capture twice the amount of revenue and the Redevelopment Agency will receive approximately 50 percent of each dollar of property tax. He noted that if the Plan is terminated, the City would only receive 18 to 22 percent of each dollar.

He further discussed the impacts of the Amendment to the Burbank Unified School District. He said the District will receive pass-through payments and the State will also guarantee minimum funding levels through "backfill" payments. He noted that 56 percent of the pass-through payments will be available for facilities, but does not count as a local matching fund.

Lastly, Mrs. Georgino said that at the close of the joint public hearing, the Agency may consider approving the following: a resolution adopting the Owner Participation Rules and Method of Relocation, and approving the Amended and Restated Redevelopment Plan and Report to Council; and, a resolution approving the Negative Environmental Declaration. She then said that if no written objections are received prior to or during the joint hearing from an affected taxing entity or property owner, the Council may conduct the first reading of the proposed ordinance adopting and approving the 2000 Amendment to the Plan. However, she noted that if written objections are received, the City Council must direct staff to prepare written responses to the written objections and return to the Council on July 10, 2001.

Citizen  
Comment

Appearing to comment were Joseph Ricciardella, stating he lives on Lima Street near an apartment building on Alameda and noting there is a rumor that this building will be acquired by the Agency through the eminent domain process, stating his opposition to the Platt project noting it is too large for the area and stating his belief that the Bob Hope land is a blighted area; Margie Gee, on concern that the Redevelopment Plan Amendment will allow for the parking space and number of parking spaces to be reduced noting overall problems with parking in the area, and opposing redevelopment activities; Ted McConkey, stating he submitted a letter which states his objections to the Plan Amendment and his concern that comments and questions addressed by the public and himself at the Planning Board were not responded to, on the need for a full financial audit of the Project Area to be completed and

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asking the Council/Agency to postpone action until all issues are dealt with, and stating he filed a Conflict of Interest complaint with the Fair Political Practices Commission against Mr. Golonski as he owns property in the Project Area and noting that although the complaint was found to be inconclusive, he feels Mr. Golonski should still abstain from voting on the matter; Bob Etter, on concern with more traffic to be generated by the Amendment; David Piroli, on concern that funding in redevelopment project areas does not get used to construct essential City services, on concern with redevelopment activity, noting his belief that Burbank has very few blighted areas, and on concern with a reduction in parking size spaces; Mike Nolan, on the history of the West Olive Redevelopment Project and the objection of the Project from the County Board of Supervisors in 1976.

Hearing Closed There being no further response to the Mayor's invitation for oral comment, the hearing was declared closed.

Motion It was moved by Mrs. Murphy and seconded by Mr. Golonski that "the following resolutions be adopted and that the following ordinance be introduced and read for the first time by title only and be passed to the second reading. The ordinance was introduced and the title read."

Redev. Agency Reso. Adopted Redevelopment Agency Resolution No. R-2002 Adopting the Negative Declaration Prepared in Connection with the 2000 Amendment to the Redevelopment Plan for the West Olive Redevelopment Project Area was adopted.

Redev. Agency Reso. Adopted Redevelopment Agency Resolution No. R-2003 Adopting Rules Governing Participation and Reentry Preferences for Property Owners and Business Occupants; Adopting the Method of Relocation; and Approving the Amended and Restated Redevelopment Plan and the Report to City Council in Connection with the Proposed Adoption of the 2000 Amendment to the Redevelopment Plan for the West Olive Redevelopment Project Area was adopted.

1105  
1102  
Adopting the 2000 Amend. to the Redev. Plan for West Olive AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK APPROVING AND ADOPTING THE 2000 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE WEST OLIVE REDEVELOPMENT PROJECT.

Adopted and Introduced	<p>The resolutions were adopted and the ordinance was introduced by the following vote:</p> <p>Ayes: Council Members Golonski, Laurell, Murphy, Ramos and Kramer.</p> <p>Noes: Council Members None.</p> <p>Absent: Council Members None.</p>
Reporting on Closed Session	<p>Mr. Barlow reported on the items considered by the City Council and Redevelopment Agency during the Closed Session meetings.</p>
406 Airport Authority Meeting Report	<p>Airport Authority Commissioner Dave Newsham reported on the items that were on the Airport Authority meeting agenda of June 18, 2001. He said that the Authority took action to approve the following matters: the June 4, 2000 minutes, award of Work Order Number 4 for the Residential Acoustical Program which will accommodate sound insulation in 300 more homes in both Burbank and Los Angeles, and the relocation of the Desmond Studio movie equipment storage facility. Lastly, he said that Burbank Commissioner Wiggins was appointed to the Legal Committee and he was appointed to the Finance Committee.</p> <p>The City Council received the report.</p>
First Period of Oral Communications	<p>Mr. Kramer called for speakers for the first period of oral communications at this time.</p>
Citizen Comment	<p>Appearing to comment were Margie Gee, supporting the Restore Our Airport Rights (ROAR) initiative and noting the flaws, if any, can be remedied, and opposing the Framework Agreement previously supported by the City Council; Kevin McCarney, opposing the change from five minutes to four minutes on the public comment period for public hearings and asking the Council to consider changing that rule back to five minutes; Mark Barton, stating his belief that the new one minute period is not adequate time for a person to address the Council particularly if someone is interrupted during their speech; Dr. Theresa Karam, asking questions about proceedings regarding the withholding of a tape found in discovery, implications of an officer giving a false report and the investigative process conducted by internal affairs to look</p>

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into these matters; and Howard Rothenbach, asking that the Airport Authority Part 161 Study meeting be rebroadcast numerous times over the next month, asking for the law which states only property owners and affected taxing agencies can submit written objections to the Redevelopment Plan, and on concern with the impartial analysis submitted by the City Attorney on the ROAR initiative.

Staff  
Response

Members of the Council and staff responded to questions raised.

Second Period of  
Oral  
Communications

Mr. Kramer called for speakers for the second period of oral communications at this time.

Citizen  
Comment

Appearing to comment were Ted McConkey, stating his understanding that the City is owed \$6 million for the sale of power and asking who owes it to Burbank Water and Power (BWP) and how they plan to obtain the money, and opposing the 10 percent increase in electric rates after the recent Municipal Elections noting the candidates should have had the opportunity to state their position on the rate increase with the public; Irma Loose, on concern with the budget for the Public Information Office noting her belief the cost for the services related to broadcasting/videotaping items on Channel 6 were high; Mark Barton, on the importance of fiber optics for the City and asking the Council to approve the agreement with Liberty Livewire; Bob Etter, asking the City to prove that they have the title to the Lincoln School property stating his belief the property, when sold, should have been returned to the family that donated it to the School District; Howard Rothenbach, asking for the Code Section which states the City Attorney is unable to change the impartial analysis, suggesting the City consider a one-time prorated refund on the BWP bills to give back the utility users tax (UUT) increase, asking about the 10 percent rate increase implication on the long-term agreements BWP entered into with several large customers, on concern with the findings of the Part 161 Study, and supporting the ROAR initiative; Don Elsmore, on concern with the loss of revenue to the Airport currently occupied by Desmond Studios as well as the usage of the adjacent property by the Airport; Ron Vanderford, on Measure B which gave Burbank voters final approval on any agreement reached by the City and the Airport and noting concern that the Measure is worthless and ineffective because the City Attorney has said the City may not delegate its Public Utilities Commission authority to the voters, and supporting the ROAR



initiative; Margie Gee, on concern with statistics presented by the Airport Authority at the Part 161 Study meeting held last evening at the Burbank Hilton; David Piroli, on concern that rates and fees are being increased when the City has a surplus budget, and stating his support for the suggestion to pay back the UUT over-collection by returning it to the taxpayers by a one-month suspension of the street sweeping charge; Mike Nolan, on the redevelopment legislative intent to provide housing for low-income households, and on concern with the potential \$5 to \$6 million debt resulting from BWP selling power to other agencies; Robert Juarez, asking how much funding is set-aside in the budget for litigation and the Police Department Internal Affairs Department, and asking for a complaint form to be available to the public at meetings; C. L. Stack, announcing an aviation show; Stan Hyman, on concern with the Burbank Fire Department taking an active role in opposing the ROAR initiative and as such stating that since they have become politically involved in a City issue, the item in the budget related to a Fire Captain upgrade should be removed at this point; and Dr. Theresa Karam, asking how much funds are set-aside in the budget for the Police Department Internal Affairs matters and asking procedural questions related to a police court case.

Staff  
Response

Members of the Council and staff responded to questions raised.

9:13 P.M.  
Recess

The Council recessed at this time. The meeting reconvened at 9:27 p.m. with all members present.

Jt. Mtg. with  
Redev. Agency,  
Housing  
Authority,  
Parking  
Authority, and  
YES  
801-2  
804-2  
Adoption of FY  
2001-02  
Annual Budget

Mr. Hanway, Financial Services Director, reported on the request for City Council, Redevelopment Agency, Housing Authority, Parking Authority and Youth Endowment Services (YES) Fund approval of the proposed Annual Budget for Fiscal Year (FY) 2001-02, Citywide Fee Schedule, and Appropriations Limit. He noted that the total proposed resources for all funds for FY 2001-02 are \$586,179,956 and the total proposed appropriations are \$579,449,928.

He explained that the proposed Citywide Fee Schedule is reviewed and updated annually as part of the budget process in an effort to document all fees, charges, taxes, rates and fines that have been revised or changed during the previous year. He noted that at the June 12, 2001 public hearing, the Council directed staff to change the permit parking fees from \$3 to \$4 per annual permit rather than the proposed \$6 cost

per permit.

Lastly, Mr. Hanway discussed that the City is required by State law to establish an appropriation limit each fiscal year. He said that only those revenues received from proceeds of taxes are subject to this limit. He then noted that the City's FY 2001-02 appropriation limit is estimated to be \$98,919,348 with the actual amount of the appropriation contained in the budget that is subject to the limit being \$78,880,887. Thus, he said that the difference between the City's appropriation limit and the amount subject to it \$20,038,461 which results in the City having a significant gap between its legal limit and the actual appropriations subject to the limit.

Motion It was moved by Mr. Golonski and seconded by Mrs. Murphy that "the following resolutions be passed and adopted:"

801-2 RESOLUTION NO. 26,030:  
Adopt FY 2001-02 Budget and Transfer of Revenue from BWP to the General Fund A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2001-02, PROVIDING FOR THE TRANSFER OF REVENUE FROM THE BURBANK WATER & POWER DEPARTMENT TO THE GENERAL FUND, AND MAKING APPROPRIATIONS FOR AMOUNTS BUDGETED.

801-2 RESOLUTION NO. 26,031:  
Establish Appropriations Limit for FY 2001-02 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK DETERMINING AND ESTABLISHING THE CITY'S APPROPRIATIONS LIMIT FOR FISCAL YEAR 2001-02.

804-2 RESOLUTION NO. 26,032:  
Adopting the Burbank Fee Reso. A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BURBANK FEE RESOLUTION.

801-2 RESOLUTION NO. 26,033:  
Appropriations For Amounts Delineated A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE BUDGET FOR FISCAL YEAR 2000-01 PROVIDING FOR THE PURPOSE OF MAKING APPROPRIATIONS FOR AMOUNTS DELINEATED.

801-2 Adopt Redev. Budget	<u>RESOLUTION NO. 26,034:</u> A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK ADOPTING THE BUDGET FOR FISCAL YEAR 2001-2002 FOR THE REDEVELOPMENT AGENCY OF THE CITY OF BURBANK.
Redev. Agency Reso. Adopted	Redevelopment Agency Resolution No. R-2004 Adopting the Budget for Fiscal Year 2001-2002 was adopted.
Redev. Agency Reso. Adopted	Redevelopment Agency Resolution No. R-2005 Determining and Establishing the Appropriations Subject to Appropriations Limit for Fiscal Year 2001-2002 was adopted.
Housing Authority Reso. Adopted	Housing Authority Resolution No. H-165 Adopting the Budget for Fiscal Year 2001-2002 was adopted.
Parking Authority Reso. Adopted	Parking Authority Resolution No. P-51 Adopting the Budget for Fiscal Year 2001-2002 was adopted.
YES Reso. Adopted	Youth Endowment Services Fund Resolution No. Y-22 Adopting the Budget for Fiscal Year 2001-2002 was adopted.
Adopted	The resolutions were adopted by the following vote:  Ayes: Council Members Golonski, Laurell, Murphy, Ramos and Kramer Noes: Council Members None. Absent: Council Members None.
Motion	It was moved by Mrs. Murphy and seconded by Mr. Golonski that "the following items on the consent calendar be approved as recommended."
Minutes Approved	The minutes for the regular meetings of April 24 and May 1, 2001, and the adjourned meeting of May 5, 2001 were approved as submitted.

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804-3  
404  
703  
Safe  
Neighborhoods  
Parks Act of  
1996

RESOLUTION NO. 26,035:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE COUNTY OF LOS ANGELES REGIONAL PARK AND OPEN SPACE DISTRICT PER PARCEL DISCRETIONARY GRANT PROGRAM FOR THE BUENA VISTA LIBRARY AND ABRAHAM LINCOLN PARK PROJECT.

1507  
Fiber Optic Cable  
Agmt. w/Liberty  
Livewire Corp.

RESOLUTION NO. 26,036:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING A FIBER OPTIC CABLE SERVICE AGREEMENT BETWEEN THE CITY OF BURBANK AND LIBERTY LIVEWIRE CORPORATION.

Adopted                    The consent calendar was adopted by the following vote:

Ayes:        Council Members Golonski, Laurell, Murphy, Ramos  
                  and Kramer.  
Noes:        Council Members None.  
Absent:      Council Members None.

1503  
Proposed BWP  
Conservation  
Programs and  
PSA w/Niagara  
Conservation  
For Purchase of  
Compact  
Flourescent Lights

Mrs. Myer, Burbank Water and Power (BWP) Marketing Manager, reported that BWP is proposing several proposed electricity conservation programs which have been created in response to California's energy crisis and in order to help Burbank achieve the following two goals: 1) Reduce summer 2001 peak demand by 30 megawatts to 260 megawatts; and, 2) Reduce Burbank's overall annual energy consumption by 7 percent, or 1,082 million kilowatt-hours.

She then briefly described the following proposed programs: Home Rewards Program – a residential program that offers cash rebates up to \$500 to customers who purchase energy efficient appliances and equipment including nine items - refrigerators, washing machines, dishwashers, room and central air-conditioners, low-e-windows, whole house fans, solar powered attic fans, and pool pumps; Compact Fluorescent Light (CFL) Giveaway Program – BWP will send each Burbank household a kit containing a 24-watt CFL and educational brochures asking residents to replace an incandescent light bulb with the free CFL which has the potential to save a total of 3,000,000 kilowatt-hours per year; Splash into Savings – this program would reward pool-owning customers by giving them a \$5 credit on their monthly bill if they agree to set their pool pump timers to run between

10:00 p.m. and noon; Clean Green Support – customers can sign up to have 50 to 100 percent of the electricity their household consumes come from green energy which would be purchased by BWP at a cost to the customer of just a half a penny more for every kilowatt-hour used; Residential Solar Support - BWP will support solar photovoltaic projects with incentives of \$3 per watt with a two kilowatt customer maximum; Energy Solutions Program - this existing business rebate program has been expanded and will now include facility audits, and energy-efficiency, photovoltaic, and cool roof projects; and, City Facilities - as requested by Governor Davis, the City will help in conserving energy in all City facilities by meeting or exceeding a seven percent consumption reduction.

Mrs. Myer concluded by stating that all proposed programs will be funded through a combination of BWP Public Benefits funding and State dollars through Senate Bill 5X.

Motion It was moved by Mrs. Murphy and seconded by Mr. Laurell that "the Council endorse and approve the proposed conservation programs with a change to the Home Rewards Program which provides for the full rebate if purchased by a merchant in Burbank and 50 percent of the rebate if purchased by a merchant outside Burbank and that the following resolution be passed and adopted:"

1503 Agmt. w/Niagara Conservation for Energy Efficient Lights  
 RESOLUTION NO. 26,037:  
 A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK APPROVING THE AGREEMENT BETWEEN THE CITY OF BURBANK AND NIAGARA CONSERVATION FOR DISTRIBUTION OF ENERGY EFFICIENT LIGHTS.

Adopted The motion and resolution were adopted by the following vote:

Ayes: Council Members Golonski, Laurell, Murphy, Ramos and Kramer.  
 Noes: Council Members None.  
 Absent: Council Members None.

804-5  
 1503  
 Utility Users Tax Revenue  
 Mr. Hanway, Financial Services Director, reported that on April 24, 2001, the Council considered five alternatives for dealing with the increased revenues derived from the Utility Users Tax (UUT) due to rising natural gas prices. He said that

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Increases

none of the options were approved by the Council and instead, staff was directed to return with a report exploring the feasibility of implementing one of the following options: 1) Temporarily suspend the collection of the \$.43 street sweeping fee charged on utility bills until the total uncollected revenue reaches the level of the excess UUT received by the City; or 2) Contribute the excess revenue to the Lifeline Program until it is depleted.

Subsequently, at the May 24, 2001 Budget Study Session, he explained that staff returned with a report discussing the two alternatives pursuant to the Council direction, and were again provided with direction to return with a report highlighting one additional alternative: contributing the excess revenue universally to a broad-based energy conservation program.

Given the forgoing Council direction, Mr. Hanway said that staff met with all affected City representatives to determine what would be required to implement any of the three options.

He noted that the findings were as follows: *1) Temporarily Suspend the Collection of the Street Sweeping Fees* – The street sweeping charge, applied to each electric meter at the monthly rate of \$.43 per customer and \$.26 per Lifeline customer, may be considered a property-related fee under the provisions of Proposition 218. If this is the case, temporarily suspending the fee may create a Proposition 218 problem, when reinstated, thus, this option poses significant risk in that the City could lose the ability to collect the revenue in the current manner; *2) Contribute the Increased Revenue to the Lifeline Assistance Program* - Lifeline is available to low income customers who are either 62 years and older or permanently disabled. The City could direct the increased revenue to energy conservation programs that target Lifeline customers and that would enable them to reduce both their natural gas usage and the electric power usage. Moreover, the money spent on these programs would count toward the City's Public Benefits Program spending obligation; and, *3) Contribute the increased Revenue for Broad-based Energy Conservation Programs* - The City could direct the increased revenue to energy conservation programs that would benefit the community as a whole.

He concluded by stating that due to the concerns that the temporary suspension of the street sweeping fees may create a Proposition 218 problem when the fee is reinstated, staff would be comfortable with Council approval of option 2 or 3. He noted that both the Lifeline Assistance Program and Broad-

based Energy Conservation Program options would eliminate the risk of Proposition 218 exposure, count towards the City's Public Benefits Program spending obligation and would provide additional energy conservation programs at a time when conservation efforts are critical.

Motion It was moved by Mr. Golonski and seconded by Mrs. Murphy that "the increased Utility Users Tax revenue be used to supplement the Compact Florescent Light Giveaway Program and that the following resolution be passed and adopted:"

804-5  
1503  
Utility Users  
Tax Revenue  
Increases

RESOLUTION NO. 26,038:  
A RESOLUTION OF THE COUNCIL OF THE CITY OF BURBANK AMENDING THE FISCAL YEAR 2000-01 BUDGET PROVIDING FOR THE TRANSFER OF REVENUE FROM THE GENERAL FUND TO THE BURBANK WATER AND POWER DEPARTMENT.

Adopted The motion and resolution were adopted by the following vote:

Ayes: Council Members Golonski, Laurell, Murphy, Ramos and Kramer.

Noes: Council Members None.

Absent: Council Members None.

1101-2  
Update of the  
Land Use  
Element of the  
General Plan

Ms. Lazar, Senior Planner, stated that the purpose of this report is to present the City Council with the proposed scope of the forthcoming update of the City's General Plan Land Use Element. She said that the Land Use Element is one of seven mandated general plan elements and serves as the blueprint for future development of the City.

She explained that the last comprehensive update of the City's Land Use Element was in 1988. Since that update, she said there have been numerous General Plan amendments to the Land Use Element, in response to specific issues that have arisen, but no comprehensive review and update of the entire Element.

Ms. Lazar discussed that staff was proposing changes to the following areas of the Land Use Element which include straightforward updates and corrections, changes resulting from changing trends in the community and in urban design in general, and policy/issue types of changes: transportation; residential densities; multifamily residential development policies to reflect recent changes in housing needs and standards; Commercial Land Use section to include policies regarding





communication process changes do not provide respect to the elderly; Fred Haas, on conservation measures; Mike Nolan, on concern with actions taken by Semptra and the City's relationship with them; and Barbara Langford, on concern with the waiting time at Providence St. Joseph Medical Center emergency room.

Staff  
Response

Members of the Council and staff responded to questions raised.

301-2  
Memorial  
Adjournment

There being no further business to come before the Council, the meeting was adjourned at 10:34 p.m. in memory of Roseanne Howard.

Judie Sarquiz, City Clerk

APPROVED AUGUST 14, 2001

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Mayor of the Council  
of the City of Burbank